

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JOSHUA HU, *et al.*,

Plaintiffs,

v.

BMW OF NORTH AMERICA LLC,  
*et al.*,

Defendants.

Civil Action No. 18-4363 (KM)(JBC)

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, the Parties submitted a joint discovery plan pursuant to Federal Rule of Civil Procedure 26(f) and the Local Rules of the U.S. District Court for the District of New Jersey on September 7, 2021;

WHEREAS, this Court issued a pretrial scheduling order on September 16, 2021 (ECF No. 143) (the “Scheduling Order”) following a scheduling conference on September 14, 2021;

WHEREAS, the Parties jointly seek to clarify and amend the Scheduling Order;

**IT IS HEREBY STIPULATED AND AGREED** by and between the parties below that:

1. The October 15, 2021 deadline set in Paragraph 4 of the Scheduling Order concerns service of initial discovery requests, and does not bar subsequent

service of additional discovery requests.

2. Written responses and objections to requests for production will be due 30 days after service of the requests, written responses and objections to interrogatories and requests for admission will be due 45 days after service of the requests, and verifications of interrogatories will be provided within 14 days after service of written responses and objections to those interrogatories.

3. The Parties may agree to extend the above-stated deadlines for service of written responses and objections to discovery requests without seeking leave of the Court.

4. The December 17, 2021 deadline set in Paragraph 8 of the Scheduling Order concerns disputes about discovery requests served before or on October 15, 2021, and a separate deadline for raising disputes about subsequent discovery requests has not yet been determined. Disputes concerning productions made after October 15, 2021 shall be subject to a separate deadline determined at the next scheduling conference, currently set for January 12, 2022.

5. The Parties will submit a proposed confidentiality order that complies with Federal Rule of Civil Procedure 26(c) and Local Civil Rule 5.3(b). Pursuant to amendments to Local Civil Rule 5.3(b), an affidavit or attorney certification is no longer required to accompany a proposed confidentiality order.

**IT IS FURTHER STIPULATED AND AGREED** by and between the parties below that this stipulation is not and shall not be construed as a waiver of any party's jurisdictional, substantive, or procedural arguments, claims, defenses, rights and remedies in connection with the above-captioned matter, all of which are hereby expressly reserved.

**SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. JAMES B. CLARK, III  
United States Magistrate Judge

**SO STIPULATED**

Dated: October 15, 2021

By: /s/ James E. Cecchi  
James E. Cecchi  
Caroline F. Bartlett  
Michael A. Innes  
Donald A. Ecklund  
CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO, P.C.  
5 Becker Farm Road  
Roseland, NJ 07068  
Telephone: (973) 994-1700  
Facsimile: (973) 994-1744  
jcecchi@carellabyrne.com

Caroline F. Bartlett  
Michael A. Innes  
Donald A. Ecklund  
CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY &

AGNELLO, P.C.  
5 Becker Farm Road  
Roseland, NJ 07068  
Telephone: (973) 994-1700  
Facsimile: (973) 994-1744  
jcecchi@carellabyrne.com

Steve W. Berman  
HAGENS BERMAN SOBOL  
SHAPIRO LLP  
1301 Second Avenue, Suite 2000  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0694

Christopher A. Seeger  
Christopher L. Ayers  
Jennifer R. Scullion  
SEEGER WEISS LLP  
55 Challenger Road  
Ridgefield Park, NJ 07660  
Telephone: (212) 584-0700  
Facsimile: (212) 584-0799  
cseeger@seegerweiss.com  
cayers@seegerweiss.com  
jscullion@seegerweiss.com

Scott A. George  
SEEGER WEISS LLP  
550 Broad Street, Suite 920  
Newark, NJ 07102  
Telephone: (973) 639-9100  
Facsimile: (973) 639-9393  
sgeorge@seegerweiss.com

Shauna Brie Itri  
SEEGER WEISS LLP  
1515 Market Street, Suite 1380  
Philadelphia, PA 19102  
Telephone: (215) 553-7981

Facsimile: (215) 851-8029  
sitri@seegerweiss.com

*Attorneys for Plaintiffs and the Proposed Class*

Dated: October 15, 2021

By: /s/ Kevin M. McDonough  
Michael Lacovara (admitted *pro hac vice*)  
Kevin M. McDonough  
Marc S. Werner (admitted *pro hac vice*)  
Elizabeth Parvis (admitted *pro hac vice*)  
LATHAM & WATKINS LLP  
1271 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 906-1200  
michael.lacovara@lw.com  
kevin.mcdonough@lw.com  
marc.werner@lw.com  
elizabeth.parvis@lw.com

Arthur F. Foerster (admitted *pro hac vice*)  
Johanna Spellman (admitted *pro hac vice*)  
Kevin M. Jakopchek (admitted *pro hac vice*)  
LATHAM & WATKINS LLP  
330 N. Wabash Avenue, Suite 2800  
Chicago, IL 60611  
Telephone: (312) 876-7700  
arthur.foerster@lw.com  
johanna.spellman@lw.com  
kevin.jakopchek@lw.com

*Attorneys for Defendants Bayerische Motoren Werke Aktiengesellschaft and BMW of North America LLC*

Dated: October 15, 2021

By: /s/ Jeffrey A. Rosenthal  
Jeffrey A. Rosenthal  
Lina Bensman (admitted *pro hac vice*)

Natalie A. Turchi  
CLEARY GOTTlieb STEEN &  
HAMILTON LLP  
One Liberty Plaza  
New York, NY 10006  
Tel.: (212) 225-2000  
Fax: (212) 225-2086  
jrosenthal@cgsh.com  
lbensman@cgsh.com  
nturchi@cgsh.com

Michael D. Critchley  
Amy Danielle Luria  
CRITCHLEY, KINUM & DENOIA, LLC  
75 Livingston Avenue  
Suite 303  
Roseland, NJ 07068  
(973) 422-9200  
973-422-9700 (fax)  
mcritchley@critchleylaw.com  
aluria@critchleylaw.com

*Counsel for Defendant Robert Bosch LLC*